

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

-----X
In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

-----X

ORDER CONCERNING URGENT MOTION REQUESTING STAY OF STATE
PROCEEDINGS FOR LACK OF COMPLIANCE WITH MEMORANDUM ORDER

The Court has received and reviewed the *Urgent Motion Requesting Stay of State Proceedings for Lack of Compliance with Memorandum Order* (Docket Entry No. 17547 in Case No. 17-3283, the “Motion”), filed by Corporación Marcaribe Investment (the “Movant”). The Motion appears to request that the Court issue an order staying an unspecified appeal commenced by Movant in the Puerto Rico Court of Appeals.

Rule 9013-2(a) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico requires that memoranda in support of motions must “contain[] the points and authorities in support of the party’s position” and “include specific reference to the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these LBRs, and/or other controlling authorities.” L.Cv.R. 9013-2(a). Section I.I of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* (Docket Entry No. 17127-1, the “Case Management Order”) provides that “[a]ll Pleadings, whether Urgent

¹ The Debtors in these Title III cases, along with each Debtor’s respective bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Motions or not, that are requesting relief, shall be accompanied by a proposed order.” Section I.H of the Case Management Order also requires that urgent motions include a certification that filing such motion was “preceded by reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court in such Urgent Motion request.”

The Motion does not (i) clearly describe the specific relief sought by Movant, (ii) include a proposed order containing such information, or (iii) set forth applicable law, rules, or other legal authority providing the Court’s authority to grant such relief. Cf. Industria Lechera De Puerto Rico, Inc. v. Beiro, 989 F.3d 116, 123 (1st Cir. 2021) (noting that, if plaintiff were to renew its request to the district court to enjoin a proceeding in Puerto Rico court, “some issues that might confront the district court include the scope of a potential injunction, how it might be crafted to respect the sovereign interests of Puerto Rico, and ultimately whether an injunction would be a proper exercise of the court’s equitable power”). The Motion also lacks the certification required by section I.H of the Case Management Order.

Accordingly, the Motion is terminated without prejudice to renewal in a manner that cures the above-described deficiencies.

This Order resolves Docket Entry No. 17547 in Case No. 17-3283.

SO ORDERED.

Dated: July 29, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge